

RICK ATHERTON

July 9, 2013

Mr. Dexter Paine  
PO Box 444  
Siasconset, MA 02564

Dear Mr. Paine,

In regard to any perceived conflicts of interest that I may have relating to the Baxter Road issue currently before the Board of Selectmen (BOS), I assure you that I have given the matter due consideration.

Prior to the Board's meeting that you and members of your family attended, I consulted with Town Counsel about any possible conflicts of interest that I might have.

Subsequently, and with legal assistance, I prepared and filed a formal Disclosure of Appearance of Conflict of Interest As Required by G. L. c. 268A, §23(b)(3) with the Town Clerk. That document, dated June 12, is attached. It is also on file at the Town Clerk's office, and I have requested that she post it online to make it more accessible for any interested citizens.

I have been fully engaged with the issue of erosion control in 'Sconset for several years. In fact, I was first elected to the Board of Selectmen in 2008, in part, I believe because of my public opposition to the beach-dredging project then being proposed by the Siasconset Beach Preservation Fund (SBPF). As I recall, principals of SBPF actively campaigned against my election. Not only was I successful in my bid to hold public office, but also Ballot Question #5 opposing the proposal was resoundingly adopted with the support of over 85% of the voters.

My wife, D. Anne, also became involved with this issue in 2008. She and Bob DeCosta were the Co Coordinators of the original Coalition for Responsible Coastal Management which alerted citizens to the adverse impacts of the beach-dredging project. She continues to serve in this role for the group, now reconstituted as the Nantucket Coastal Conservancy, whose mission is to preserve and protect Nantucket's natural beaches. Her role in these grass-root efforts has been as a community volunteer, and she receives no compensation for her work.

D. Anne has been active in civic affairs on Nantucket for a long time. She has appeared before successive Boards of Selectmen and has spoken out on a variety of island-wide issues, both before and during my tenure on the Board, for example, in her roles as President of the Nantucket Civic League or Co Chair of the 'Sconset Foot-Path Subcommittee of the Roads and Right of Way Committee, of which she is the Vice Chair.

Transparency in government was not just a promise I made when I was running for office. It is a core value I embrace and endeavor to adhere to. Perhaps our disagreement, Mr. Paine, is not on this issue, but rather on the public-policy matters related to Baxter Road. On these, and particularly, on asking Nantucket taxpayers to pay for saving private property threatened by erosion, we will have to agree to disagree.

I thank you for your interest in Town government and look forward to a continuing dialogue with you and other citizens as, together, we strive to make decisions that are in the best interests of the island we care so much about.

Sincerely,



Rick Atherton

508 228 2366  
rickatherton@comcast.net

ATTACHMENT: DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST

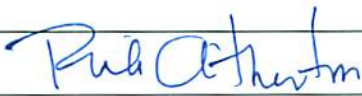
COPY:

John Giorgio  
George Pucci  
Kopelman and Paige, P. C.  
101 Arch Street  
Boston MA 02110

Marianne R. Stanton  
Nantucket Inquirer and Mirror  
One Old South Road  
PO Box 1198  
Nantucket MA 02554

**DISCLOSURE OF APPEARANCE OF CONFLICT OF INTEREST  
AS REQUIRED BY G. L. c. 268A, § 23(b)(3)**

	<b>PUBLIC EMPLOYEE INFORMATION</b>
Name of public employee:	Rick Atherton
Title or Position:	Chair, Board of Selectmen; Member, Board of Health
Agency/Department:	Board of Selectmen
Agency address:	16 Broad Street Nantucket, MA 02554
Office Phone:	508-228-7255
Office E-mail:	rickatherton@comcast.net
	<p>In my capacity as a municipal employee, I am expected to take certain actions in the performance of my official duties. Under the circumstances described below and in light of the factual matters at issue, it is possible that a reasonable person could conclude that when acting in my official capacities, a person could unduly enjoy my favor or improperly influence me, or that I am likely to act or fail to act as a result of kinship, rank, position or undue influence of a party or person.</p> <p>I am filing this disclosure to disclose the facts about this relationship or affiliation and to dispel the appearance of a conflict of interest.</p>
	<b>APPEARANCE OF FAVORITISM OR INFLUENCE</b>
Describe the issue that is coming before you for action or decision.	<p>This is a disclosure under G.L. c.268A, §23(b)(3). I am an elected Selectman under Chapter 46 of the Acts of 2010. For purposes of the Conflict of Interest Law, I am a municipal employee of the Town of Nantucket. In my capacity as a Selectman, there has been discussion of the impacts of erosion on the public infrastructure, including public roads and beaches. Most recently, such discussion has addressed erosion that may threaten Baxter Road in the Village of Siasconset. The Board of Selectmen may find it necessary to take actions that deal with the risks to the Town's roads and beaches, including Baxter Road.</p> <p>This is to disclose that with my wife, D. Anne Atherton, and I own property in the Squam Road neighborhood which is over 13,000 feet from Baxter Road. Our property is not close to Baxter Road, and cannot be deemed to be abutting property for purposes of the Conflict of Interest Law. Moreover, such property is not beach-front property, and any erosion control issues would be substantially more likely to affect persons owning or living on beach-front property. Further, it is extremely unlikely that erosion control efforts in the Baxter Road area would have any effect on the value of my inland property.</p> <p>This to disclose further that I am the Treasurer and a member of the Board of Directors of the Quidnet Squam Association, Inc., a neighborhood association whose mission is to "To promote and protect the mutual interests of the property owners and residents, as defined in the by-laws of the Association, of that area of Nantucket commonly called the Quidnet and Squam areas." The Association has commented on the impact of erosion protection in the Baxter Road area and the possible impact on the beaches to the north and south of any such project. Nevertheless, such Association has no financial interest in the utilization of erosion control measures on Baxter Road or in any other area on the island. Note that while I voluntarily pay dues to the Association, I receive no compensation of any kind for fulfilling the role of Association Treasurer, which I have been doing for more than 15 years, or with respect to my service as a Director of the Association.</p> <p>Finally, this is to disclose that my spouse is active in civic affairs and has been public in her support of maintaining Nantucket's beaches without erosion control measures that have adverse impacts. She is outspoken in this area and is a member of various groups, formal and informal, in support of maintaining Nantucket's beaches in their natural form.</p>

What responsibility do you have for taking action or making a decision?	As a member of the Board of Selectmen, it is likely that I will be called on to consider and vote on matters involving beach nourishment/erosion control measures on public property. It is also likely that I will be asked to vote on other matters involving the interests of the Town of Nantucket in its public roads and beaches, including a vote or votes on matters involving Baxter Road.
Explain your relationship or affiliation to the person or organization.	As described above, my wife and I own property in the Squam Road neighborhood which is over 13,000 feet from Baxter Road. I am the Treasurer and a member of the Board of Directors of the Quidnet Squam Association, Inc., and my spouse is active in community affairs, particularly beach nourishment/erosion control issues.
How do your official actions or decision matter to the person or organization?	My official actions and decisions are unrelated to my role as an officer or director of the Quidnet Squam Association. Note, however, that the Association sometimes takes positions with respect to matters involving erosion control or beach nourishment, and may submit the same to the Town, including the Board of Selectmen.  I do not sign such materials nor do I contact or appear before the Town as a representative of the Association. I do not believe my participation in the Association will affect the decisions I may make as a member of the Nantucket Board of Selectmen. I will make all decisions on matters involving Baxter Road, and on other matters involving erosion control issues concerning public roads and beaches, based upon the information submitted or other wise available relevant facts, pursuant to applicable federal, state and local law, and in the best interests of the Town, rather than as a result of any personal interests I might have with respect to the Association, the location of my property, or my wife's public positions on such matters.
<b>Optional:</b> Additional facts – e.g., why there is a low risk of undue favoritism or improper influence.	Issues of erosion are of island-wide concern, and my membership in the Quidnet Squam Association and/or ownership of inland property will not affect my decisions as a member of the Board of Selectman with respect to the Town's interests in its public roads and beaches and any related beach nourishment/erosion control issues.
<b>If you cannot confirm this statement, you should recuse yourself.</b>	<b>WRITE AN X TO CONFIRM THE STATEMENT BELOW.</b>  <input checked="" type="checkbox"/> Taking into account the facts that I have disclosed above, I feel that I can perform my official duties objectively and fairly.
Employee signature:	
Date:	6/12/13

Attach additional pages if necessary.

Not elected to your public position – file with your appointing authority.

Elected state or county employees – file with the State Ethics Commission.

Members of the General Court – file with the House or Senate clerk or the State Ethics Commission.

Elected municipal employee – file with the City Clerk or Town Clerk.

Elected regional school committee member – file with the clerk or secretary of the committee.